

EXHIBIT 1

Volume 4

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable William H. Alsup, Judge

SONOS, INC.,)	
)	
Plaintiff and)	
Counter-Defendant,)	
)	
VS.)	NO. C 20-6754 WHA
)	Related Case No. C 21-07559 WHA
GOOGLE, LLC,)	
)	
Defendant and)	
Counter-Claimant.)	
)	

San Francisco, California
Wednesday, May 10, 2023

TRANSCRIPT OF JURY TRIAL PROCEEDINGS

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REPORTED BY: Marla F. Knox, CSR No. 14421, RPR, CRR, RMR
United States District Court - Official Reporter

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1 to select from to create that second zone scene, including ones
2 that happen to be part of the first zone scene. And that was
3 the language that Your Honor pointed to in rejecting Google's
4 motion on this very issue.

5 **THE COURT:** Well, I -- that's it.

6 **MR. PAK:** It doesn't say much, Your Honor, and that's
7 the reason why --

8 **THE COURT:** I don't -- well, here is what I -- summary
9 judgment is one thing. Getting deep into a trial like this is
10 another.

11 One of the things that is coming through to me in all of
12 this testimony is that there was a lot of prior art and that
13 the actual invention over the prior art was this idea of
14 overlapping zone scenes.

15 So, you would think there would be column after column
16 that would explain to an engineer how to implement overlapping
17 zone scenes and because that was the greatest thing since
18 sliced bread was overlapping zone scenes; and, yet, that's all
19 you can point to is that one thing.

20 That -- I may -- I worry if I -- I'm not taking anything
21 back right now anyway, but I'm putting you all on notice that
22 it worries me that something that thin can support something
23 this big as a supposed improvement over the prior art.

24 I know I ruled against you on it and maybe -- is this --
25 I'm going to -- don't answer this now, but is this for the

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1 jury, or is this for me? Is there questions of fact here? And
2 it troubles me that a thin, single sentence, by implication --
3 it's not even clear-cut. It doesn't say "overlapping zone
4 scenes." You have to infer that -- that it can support the
5 essence of the invention over the prior art.

6 **MR. RICHTER:** We would be happy to brief the issue.

7 **THE COURT:** I think you should. I -- give me briefs
8 on that not tomorrow but maybe by the next day, an
9 8:00 o'clock -- tomorrow at 8:00 o'clock. Give me -- p.m.
10 Give me five-page briefs on that subject.

11 And don't say something like, "Oh, you have already
12 ruled." I know I ruled. I went back and looked at it a while
13 ago. But that was summary judgment. This is the real thing
14 now. This is where the rubber meets the road. And maybe I
15 will change my mind, maybe not. I'm not sure. Don't -- I'm
16 just talking out loud here because I'm learning it in greater
17 detail now than I understood it before.

18 **MR. RICHTER:** Understood, Your Honor.

19 I will note it could be relevant the fact that Google is
20 not challenging the written description at this trial.

21 **THE COURT:** Well, I'm bringing it up myself.

22 **MR. RICHTER:** Fair enough.

23 **THE COURT:** I'm bringing it myself.

24 **MR. RICHTER:** Understood.

25 **THE COURT:** Because I'm not going to relive this case

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3 **CERTIFICATE OF REPORTER**

4 I certify that the foregoing is a correct transcript
5 from the record of proceedings in the above-entitled matter.
6

7 DATE: Wednesday, May 10, 2023
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12 Marla F. Knox, CSR No. 14421, RPR, CRR, RMR
13 United States District Court - Official Reporter
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